UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

NOV 9 1998

Mr. Michael Delamore
Bureau of Reclamation
2666 N. Grove Industrial Drive
Suite 106
Fresno, CA. 93727

Dear Mr. Delamore:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **Meeting Flow Objectives for the San Joaquin River Agreement, 1999-2010.** Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Bureau of Reclamation (Reclamation) and San Joaquin River Group Authority (Authority) propose to meet the flow objectives for the Draft San Joaquin River Agreement (Agreement) over the period 1999-2010. The Agreement developed as an alternative to the San Joaquin River flow objectives contained in the State Water Resources Control Board's 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (1995 WQCP). Debate over the flow objective led to a proactive problem-solving process to develop an adaptive fishery management plan and the water supplies to support that plan. The process of developing the Vernalis Adaptive Management Plan (VAMP) resulted in the Agreement in April 1998. The Agreement identifies where the water to support the VAMP study would be obtained, specifically from the San Joaquin River Group Authority whose members are willing sellers.

The purpose of the proposed action is to acquire water identified in the Agreement and use the water for: 1) a pulse flow for a 31-day period at Vernalis during April and May, and 2) other flows to facilitate migration and attraction of anadromous fish including fall attraction flows. This water is needed to support the VAMP and to provide protective measures for fall-run chinook salmon in the San Joaquin River. The adaptive management study means that the flow requirement is to change annually in response to hydrologic and biologic conditions. As a result, varying amounts of water would be needed. The Agreement provides for up to 137,500 acre-feet of water. The EIS evaluates the potential environmental impacts resulting from implementation of the Agreement, the State Water Right Priority System, and no action.

EPA supports the Vernalis Adaptive Management Plan (VAMP), as long as it is implemented in a manner that does not degrade existing conditions or limit future management options. We commend the Authority for their willingness to provide water to support this 12 year study. It is clear that additional data is required to ensure appropriate protective measures are implemented for fall-run chinook salmon and other sensitive fisheries in the San Joaquin River. EPA will continue to participate actively in implementation of the VAMP and a long-term fishery management program for the San Joaquin River.

While we support the purpose and need for the proposed project, we have concerns regarding potential impacts to water quality, groundwater, and riparian habitat. We are especially concerned with potential effects to groundwater due to the existing problem of groundwater overdraft in the San Joaquin River basin. In addition, we are concerned with the limited comparison of the two action alternatives. While we recognize these alternatives may not be directly comparable, we believe additional discussion and evaluation of the qualitative differences between alternatives may better serve decisionmakers and the public. As stated by NEPA, the EIS should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public [40 CFR Section 1502.14].

Because of the above concerns, we have classified this DEIS as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). We appreciate the opportunity to review this DEIS. Please send two copies of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions or wish to discuss our comments, please call Ms. Laura Fujii, of my staff, at (415) 744-1579.

Sincerely,

David J. Farrel, Chief
Federal Activities Office
Cross Media Division

Enclosure: (3 pages)

Filename: vampdes.wpd
MI003029

cc: USFWS, Sacramento
Laura Hamilton, NMFS, Santa Rosa
SWRCB
Dan Fults, Friant Water Users Authority

COMMENTS

Water Quality and Groundwater

1. The DEIS appears to evaluate only the total dissolved solids and salinity at Vernalis (pg. 4-16). Furthermore, there is no evaluation of the potential effect on existing and future temperature conditions in New Don Pedro or Lake McClure reservoirs or the ability to meet temperature objectives for the lower Merced, Tuolumne and Stanislaus Rivers. Since carryover storage in these reservoirs would be significantly negatively affected by the proposed action (pg. 4-16), downstream temperature management may become more difficult. Improved temperature management in these rivers during the fall months are critical for fall-run chinook salmon spawning and incubation. The FEIS should provide an analysis of temperature effects and how these impacts may affect reservoir management options that reduce downstream water temperatures during critical periods for fisheries.

2. The FEIS should also provide additional information regarding upstream base streamflow conditions and potential impacts on flow-related parameters which limit the production of anadromous fish (e.g., flow fluctuations, stranding of juveniles, redd dewatering). Given the sensitivity of fishery resources to flows, we also recommend consideration of an alternative method for assessing stream flow impacts which would evaluate short-term changes in flows (shorter than monthly).

3. It is not clear whether South San Joaquin Irrigation District will utilize groundwater to replace the 11,000 acre-feet of surface water provided for the VAMP study (pg. 4-24). If there is a possibility that groundwater would be used as replacement water, the FEIS should evaluate the potential impacts of this on groundwater levels and water quality.

4. Evaluation of potential impacts to groundwater quality under the alternative action, State Water Resources Control Board Water Right Priority System, is scarce due to the inability to determine the volume of groundwater that may be pumped by junior water right holders to replace lost surface water deliveries (pg. 4-36). We recommend Reclamation consider an evaluation of a "worse case" scenario, whereby it is assumed that the entire amount of lost surface water is replaced by pumping from the most likely groundwater basins. Such an evaluation would provide some indication of the potential to adversely affect already stressed groundwater basins.

5. Given the overdraft condition within the San Joaquin River basin, we urge Reclamation to work with the Authority and their member Irrigation Districts to minimize the use of groundwater as replacement of the lost surface water. We advocate an approach which relies first on conservation, water reuse, and other creative methods of

providing replacement water prior to pumping additional groundwater or developing new water sources.

6. The FEIS should provide a firm and clear commitment to mitigation for potential impacts to water quality, groundwater and flows. For instance, the FEIS should identify who will develop and implement the ramping guidelines proposed to minimize adverse flow impacts to fisheries (pg. 4-74).

Riparian Vegetation

Although the DEIS clearly describes a number of negative impacts which could affect riparian vegetation (pg. 4-54 to 4-57), these impacts were only considered significant if they affected one or more threatened or endangered plant species (pg. 4-57). We believe this threshold of significance is too narrow given the importance of riparian vegetation as critical habitat for fish and wildlife. We strongly recommend that additional thresholds of significance be considered which would provide an indication of potential impacts to the habitat values of riparian vegetation. For instance, the potential percent mortality or loss of habitat functions which could be caused by desiccation, flow ramping, or scour.

General Comments

1. To provide a more accurate comparison of alternative impacts, we recommend including the No Action alternative(s) in Table ES-1: Summary Comparison of Alternative Impacts.